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Legislative Bulletin

An Official Publication of the Hilliard City Council

Publication Date: November 23, 2021

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ORDINANCES

The following Ordinances were passed on November 22, 2021

21-35 APPROPRIATING FUNDS FOR THE PURPOSE OF PAYING OFF A SHORT TERM NOTE; AND AUTHORIZING THE EXPENDITURE OF FUNDS AND DECLARING AN EMERGENCY

WHEREAS, on November 8, 2020, City Council passed Ordinance No. 24 authorizing the issuance of a 1.5M short term note land acquisition (the "Note"); and

WHEREAS, the funds from the Note were provided to HDC for its purchase of the Jerman Property; and

WHEREAS, rather than renewing, the City desires to pay off the Note prior to December 21, 2021; and

WHEREAS, the City desires to utilize funds received from the Anderson Meadows TIF, as well as unappropriated funds in the Capital Fund; and

WHEREAS, by paying off the Note, the City will reduce its debt amount; and

WHEREAS, in order to make payment on the Note prior to the due date, the City is requesting emergency passage at second reading.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. An appropriation in the amount of \$901,188.75 is authorized from Fund 304, Object 56 in order to pay off a Short Term Note authorized for land acquisition.

SECTION 2. City Council authorizes the expenditure of funds in the amount of \$901,188.75 from Fund 304, Object 56 to pay off the Note.

SECTION 3. City Council authorizes the expenditure of funds in the amount of \$617,509.17 from Fund 295, Object 59 (the Anderson Meadows TIF) to pay off the Note.

SECTION 4. The City Manager is authorized to sign any document necessary to satisfy the payment of the Note.

SECTION 5. In order to make payment on the Note prior to December 21, 2021, this Ordinance shall be in effect immediately upon its passage.

21-36 APPROPRIATING FUNDS FOR THE EXPENSES OF THE CITY OF HILLIARD, OHIO FOR THE PERIOD ENDING DECEMBER 31, 2022.

WHEREAS, Sections 6.05 and 6.06 of the Hilliard City Charter require the submission of a budget and the adoption of an Appropriation Ordinance following a duly advertised budget hearing; and

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WHEREAS, such budget hearing was duly advertised and held on November 22, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. To provide for the current expenses and other expenditures of the City of Hilliard for the fiscal year ending December 31, 2022, the sums indicated in the **attached Exhibit "A"** are hereby set aside and appropriated as hereinafter set forth.

SECTION 2. To deem appropriated, those monies received and deposited throughout the fiscal year for Fund 207 Grants, Fund 208 Park Maintenance Fund, Fund 209 Law Enforcement Education, Fund 210 Law Enforcement Trust, Fund 211 Law Enforcement Mandatory Drug Fine, Fund 212 Law Enforcement Seizure, Fund 213 Mayor's Court Computer, Fund 214 Seizure Account-Justice, Fund 215 Hilliard Recovery Court, Fund 230 Franklin County Justice Program Grant, Fund 250 General Government Grant, Fund 283 Construction Inspection Services, Funds 285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303 TIF, Fund 782 Police Benevolent Fund, Fund 881 Income Tax Deposit, Fund 890 Public Art, Fund 891/892 Fundraising Agency, Fund 893 Public Service Dept. Agency, Fund 894 Refund Trust, Fund 895 Escrow, Fund 896 Insurance Trust, Fund 897 CARES Act Funds, Fund 898 Local Fiscal Recovery Fund are appropriated upon deposit.

SECTION 3. Authority is hereby given to the Director of Finance, without further approval of Council, to transfer funds during fiscal year 2022 from the debt reduction accounts to the Bond Retirement Fund.

SECTION 4. Adoption of this Ordinance shall grant the authority and approval as set forth in the Hilliard City Charter Sections 6.07, 6.08 and 6.10.

SECTION 5. Pursuant to Section 6.07 of the Charter, this Ordinance shall be effective on January 1, 2022.

21-37 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE CITY'S PURCHASE OF STOP LOSS INSURANCE.

WHEREAS, the City of Hilliard is self-funded for purposes of providing employee health insurance benefits; and

WHEREAS, the City annually purchases a stop-loss insurance policy which provides for payment of health insurance claims that are more than \$75,000 per person covered; and

WHEREAS, the City, through its consultant, received renewal quotes for a stop loss insurance policy; and

WHEREAS, the stop loss policy previously in effect expires at midnight on December 31, 2021 after which time the City must have a new contract in place; and

WHEREAS, it is in the interest and benefit to the City of Hilliard and the public at large that the stop loss policy be approved.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. The City Manager is authorized and directed to enter into a contract with Anthem Blue Cross Blue Shield to provide insurance coverage described above at an annual premium cost not to exceed \$637,550 for the period from January 1, 2022 to December 31, 2022, on such terms and conditions consistent with the recommendations provided by the City's consultant and as approved by the City's Law Director.

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SECTION 2. All monies paid under this contract will be allocated to the various personnel appropriations (Object 51) in the City's 2022 Operating Budget as approved by City Council.

SECTION 3. This Ordinance shall be in full force and effect at the earliest time provided for by law.

21-38 ADOPTING THE ORDINANCE APPROVED BY THE PEOPLE OF THE CITY OF HILLIARD, OHIO AMENDING SECTIONS 183.01 AND 183.04 OF THE CODIFIED ORDINANCES TO INCREASE THE INCOME TAX RATE FROM TWO PERCENT (2%) TO TWO AND ONE-HALF PERCENT (2.5%) AND TO DEDICATE THE REVENUE RESULTING FROM THE ONE-HALF PERCENT (0.5%) INCREASE TO RECREATION AND PARKS CAPITAL AND OPERATIONAL EXPENSES.

WHEREAS, on July 12, 2021, City Council passed Ordinance No. 21-22 providing for the submission to the electors of the City an ordinance to amend the Chapter 183 of the City's Codified Ordinances increasing the City's income tax rate from two percent to two and one-half percent; and

WHEREAS, the revenue received from the income tax increase would be solely dedicated to recreational and parks capital, programming, and operational expenses; and

WHEREAS, the election on November 2, 2021, the electors of the City of Hilliard approved the income tax increase submitted to them by Ordinance No. 21-22; and

WHEREAS, it is necessary for Council to approve amendments to Sections 183.01 and 183.04 of the City's Codified Ordinances resulting from the approval by the City's electors.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. Effective January 1, 2022, Section 183.01 of the City's Codified Ordinance is hereby amended to read as follows:

183.01 - PURPOSE OF TAX; RATE; ALLOCATION OF FUNDS; AUTHORITY TO LEVY TAX.

(A) To provide for the purposes of general municipal operations, maintenance, new equipment and capital improvements and to provide for the payment of principal and interest on certain bond issues of the City of Hilliard ("City") hereby levies an annual municipal income tax on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided.

(B) (1) The annual tax is levied at a rate of 2.5% (two and one-half percent). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in the City. The tax is levied on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided in Section 183.04 of this Chapter and other sections as they may apply.

(2) The funds collected under the provision of this chapter shall be deposited in the Tax Deposited Agency Fund, and such funds shall then be transferred in the following manner:

(a) Twenty percent (20%) of the tax revenues received shall be transferred to the Recreation and Parks Fund.

(b) Fifty-two percent (52%) of the tax revenues shall be transferred to the General Fund.

(c) Twenty percent (20%) of the tax revenues shall be transferred to the Capital Improvement Tax Fund.

(d) Eight percent (8%) of the tax revenues shall be transferred to the Street Improvement Tax Fund.

(3) When City Council determines that the allocations in subsection (2)(b), (c), and (d) above are insufficient to avoid major disruptions to City services, City Council may amend the allocations by Resolution upon a positive vote of two-thirds of the members of City Council. Any such change to the allocation shall be made only in conjunction with approval of an annual appropriation budget and only after good cause for the change is stated upon the record of City Council proceedings. City Council shall take into account the City's existing debt service

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obligations before amending the allocations. In any year immediately following a change, the allocations shall revert back to the allocations set forth in subsection (2)(b), (c), and (d) above which shall remain in place unless subsequently changed by City Council in the manner established herein. City Council shall not amend the allocation in subsection (2)(a) above.

(C) The tax on income and the withholding tax established by this Chapter 183 are authorized by Article XVIII, Section 3 of the Ohio Constitution. The tax is levied in accordance with, and is intended to be consistent with, the provisions and limitations of Ohio Revised Code 718 (ORC 718).

SECTION 2. Effective January 1, 2022, Section 183.04 of the City's Codified Ordinance is hereby amended to read as follows:

183.04 - IMPOSITION OF TAX.

The income tax levied by City at a rate of two and one-half percent (2.5%) is levied on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in the City.

Individuals.

(A) For residents of the City, the income tax levied herein shall be on all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident. This is further detailed in the definition of income (Section 183.03(C)(17)).

(B) For nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(C) For residents and nonresidents, income can be reduced to "Municipal Taxable Income" as defined in Section 183.03(C)(22). Exemptions which may apply are specified in Section 183.03(C)(13).

Refundable credit for Nonqualified Deferred Compensation Plan.

(D) (1) As used in this subsection:

(a) "Nonqualified deferred compensation plan" means a compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

(b) "Qualifying loss" means the amount of compensation attributable to a taxpayer's nonqualified deferred compensation plan, less the receipt of money and property attributable to distributions from the nonqualified deferred compensation plan. Full loss is sustained if no distribution of money and property is made by the nonqualified deferred compensation plan. The taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

(c) (i) "Qualifying tax rate" means the applicable tax rate for the taxable year for the which the taxpayer paid income tax to the City with respect to any portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.

(ii) If different tax rates applied for different taxable years, then the "qualifying tax rate" is a weighted average of those different tax rates. The weighted average shall be based upon the tax paid to the City each year with respect to the nonqualified deferred compensation plan.

(d) "Refundable credit" means the amount of City income tax that was paid on the non-distributed portion, if any, of a nonqualified deferred compensation plan.

(2) If, in addition to the City, a taxpayer has paid tax to other municipal corporations with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan.

(3) In no case shall the amount of the credit allowed under this section exceed the cumulative income tax that a taxpayer has paid to the City for all taxable years with respect to the nonqualified deferred compensation plan.

(4) The credit allowed under this subsection is allowed only to the extent the taxpayer's qualifying loss is attributable to:

(a) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or

(b) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation.

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Domicile.

- (E) (1) (a) An individual is presumed to be domiciled in the City for all or part of a taxable year if the individual was domiciled in the City on the last day of the immediately preceding taxable year or if the Tax Administrator reasonably concludes that the individual is domiciled in the City for all or part of the taxable year.
- (b) An individual may rebut the presumption of domicile described in subsection (E)(1)(a) of this section if the individual establishes by a preponderance of the evidence that the individual was not domiciled in the City for all or part of the taxable year.
- (2) For the purpose of determining whether an individual is domiciled in the City for all or part of a taxable year, factors that may be considered include, but are not limited to, the following:
- (a) The individual's domicile in other taxable years;
 - (b) The location at which the individual is registered to vote;
 - (c) The address on the individual's driver's license;
 - (d) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence or domicile;
 - (e) The location and value of abodes owned or leased by the individual;
 - (f) Declarations, written or oral, made by the individual regarding the individual's residency;
 - (g) The primary location at which the individual is employed;
 - (h) The location of educational institutions attended by the individual's dependents as defined in Section 152 of the Internal Revenue Code, to the extent that tuition paid to such educational institution is based on the residency of the individual or the individual's spouse in the municipal corporation where the educational institution is located;
 - (i) The number of contact periods the individual has with the City. For the purposes of this subsection, an individual has one "contact period" with the City if the individual is away overnight from the individual's abode located outside of the City and while away overnight from that abode spends at least some portion, however minimal, of each of two consecutive days in the City.
- (3) All additional applicable factors are provided in the Rules and Regulations.

Businesses.

- (F) This subsection applies to any taxpayer engaged in a business or profession in the City, unless the taxpayer is an individual who resides in the City or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745 of the ORC.
- (1) Except as otherwise provided in subsection (F)(2) of this section, net profit from a business or profession conducted both within and without the boundaries of the City shall be considered as having a taxable situs in the City for purposes of municipal income taxation in the same proportion as the average ratio of the following:
- (a) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the City during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated. As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight.
 - (b) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the City to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 183.05(C).
 - (c) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the City to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.
- (2) (a) If the apportionment factors described in subsection (F)(1) of this section do not fairly represent the extent of a taxpayer's business activity in the City, the taxpayer may request, or the Tax Administrator of the City may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:
- (i) Separate accounting;
 - (ii) The exclusion of one or more of the factors;

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- (iii) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;
- (iv) A modification of one or more of the factors.
- (b) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Section 183.13(A).
- (c) The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in subsection (F)(2)(a) of this section, but only by issuing an assessment to the taxpayer within the period prescribed by Section 183.13(A).
- (d) Nothing in subsection (F)(2) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.
- (3) As used in subsection (F)(1)(b) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:
 - (a) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:
 - (i) The employer;
 - (ii) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;
 - (iii) A vendor, customer, client, or patient of a person described in subsection (F)(3)(a)(ii) of this section, or a related member of such a vendor, customer, client, or patient.
 - (b) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer.
 - (c) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in subsection (F)(3)(a) or (b) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.
- (4) For the purposes of subsection (F)(1)(c) of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:
 - (a) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation only if, regardless of where title passes, the property meets any of the following criteria:
 - (i) The property is shipped to or delivered within the City from a stock of goods located within the City.
 - (ii) The property is delivered within the City from a location outside the City, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion.
 - (b) Gross receipts from the sale of services shall be situated to the City to the extent that such services are performed in the City.
 - (c) To the extent included in income, gross receipts from the sale of real property located in the City shall be situated to the City.
 - (d) To the extent included in income, gross receipts from rents and royalties from real property located in the City shall be situated to the City.
 - (e) Gross receipts from rents and royalties from tangible personal property shall be situated to the City based upon the extent to which the tangible personal property is used in the City.
- (5) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual, or by a disregarded entity owned by the individual, shall be subject to the City's tax only if the property generating the net profit is located in the City or if the individual taxpayer that receives the net profit is a resident of the City. The City shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this subsection to the municipal corporation in which the property is located.

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(6) (a) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the City, if applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the City to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(b) An individual who is a resident of the City shall report the individual's net profit from all real estate activity on the individual's annual tax return for the City. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under the City's income tax chapter.

(7) When calculating the ratios described in subsection (F)(1) of this section for the purposes of that subsection or subsection (F)(2) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

(8) Intentionally left blank.

(9) Intentionally left blank.

SECTION 3. That the revenue resulting from the one-half percent (0.5%) increase provided for in Sections 1 and 2 shall be dedicated for recreation and parks capital, programming, and operational expenses, and the payment of principal and interest on debt issued by the City for such expenses.

SECTION 4. All other provisions of Section 183 of the Codified Ordinances, not modified herein, remain unchanged and are in full force and effect.

SECTION 5. That this Ordinance shall take effect January 1, 2022, or as such earlier as may be required by law.

21-39 AUTHORIZING THE CITY MANAGER TO ENTER INTO A 2022 CONTRACT WITH THE DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT FOR PUBLIC HEALTH AND PLUMBING INSPECTION SERVICES.

WHEREAS, Ohio Revised Code Section 3709.08 authorizes the chief executive of a city, with the approval of a majority of the members of the legislative authority of a city, to enter into a contract with the chairman of the district advisory council for the provision of public health services to the city; and

WHEREAS, the District Advisory Council of the Franklin County General Health District (the "Board of Health") has sent the City of Hilliard a proposed contract for public health services with the City of Hilliard for 2022, a copy of which is attached as Exhibit "A" (the "Contract"); and

WHEREAS, the City's Department of Community Development, Building Standards Division staff is not certified to inspect plumbing, and the Contract terms include the Board of Health providing plumbing inspection services, which services it is certified to provide; and

WHEREAS, the cost of the public services provided by the Board of Health is based upon a per capita rate of \$9.32 which is multiplied by a 2022 population estimate for the City of Hilliard of approximately 38,235; and

WHEREAS, for providing plumbing inspection services, the Contract provides that the City will remit 60% of all plumbing inspection fees collected by the City to the Board of Health; and

WHEREAS, the City will request that sufficient funds be appropriated in the 2022 Operating Budget for the Contract.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

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SECTION 1. Subject to the appropriation of funds in the City's 2022 operating budget, the City Manager is hereby authorized and directed to execute the 2022 Health Services Agreement with the District Advisory Council of the Franklin

County General Health District, a copy of which is **attached** hereto as **Exhibit "A,"** and incorporated herein by reference.

SECTION 2. All costs associated with the services provided in the Health Services Contract shall be paid in accordance with the authorization granted in the City's 2022 operating budget, which shall not exceed \$356,343.08.

SECTION 3. This Ordinance shall be in effect from and after the earliest time provided for by law.

21-40 REPEALING AND REPLACING CODE §127.04 OF THE CODIFIED ORDINANCES OF THE CITY AND TO APPROVE CERTAIN AMENDMENTS TO CHAPTER 161 OF THE CODIFIED ORDINANCES IN ORDER TO ESTABLISH THE CITY'S NON-UNION COMPENSATION PLAN.

WHEREAS, pursuant to Code Section 161.27, the City must have a Compensation Plan; and

WHEREAS, currently, Section 127.04 of the Codified Ordinances of the City provides the maximum authorized strength of the City and a salary classification with compensation range for each authorized position; and

WHEREAS, currently, Chapter 161 of the Codified Ordinances of the City provides for the conditions of employment, compensation, classification, and benefits afforded to non-unionized City employees; and

WHEREAS, Council finds it necessary to repeal and replace Section 127.04 and amend certain language in Chapter 161 in order to comply with Code Section 161.27, which will benefit the City, its employees, and attract qualified candidates for job openings; and

WHEREAS, Council finds that repealing the current City Code Section 127.04 and replacing it with a new Non-Union Compensation Plan and amending certain language found in Chapter 161 will provide clarity to employees and to ensure that the City is aligned with its current and future needs; and

WHEREAS, the number of employees permitted to be hired each year will be detailed within the operating budget as approved by Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. Section 127.04 of the Codified Ordinances of the City is repealed and replaced as shown on Exhibit "A", **attached** hereto and incorporated herein.

SECTION 2. City Council finds that repealing and replacing Section 127.04 of the City's Codified Ordinances is in the City's best interest. Section 127.04 of the Codified Ordinances of the City is enacted as rewritten herein in the attached Exhibit "A" and shall be incorporated into the City's Codified Ordinances, from and after the effective date of this Ordinance.

SECTION 3. City council finds that amending Chapter 161 of the City's Codified Ordinances, as identified in Exhibit "B", attached hereto and incorporated herein, is in the City's best interest. The changes and additions to Chapter 161 as shown and identified in track changes on the attached Exhibit "B" are approved.

SECTION 4. All other provision of Chapter 161, no modified herein, remain unchanged and are in full force and effect.

SECTION 5. This Ordinance shall be in effect from and after the earliest time provided for by law.

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The First Reading of the following Ordinances was held on November 22, 2021. The Second Reading/Public Hearing is scheduled for December 13, 2021.

21-41 APPROVING THE 2022 CAPITAL IMPROVEMENT BUDGET AND APPROPRIATING FUNDS FOR THE CAPITAL IMPROVEMENT EXPENSES OF THE CITY FOR THE PERIOD ENDING DECEMBER 31, 2022.

WHEREAS, Section 6.09 of the Hilliard City Charter allows for the process of approval of the capital improvement budget to be developed and passed as City Council may establish by ordinance; and

WHEREAS, the City Manager has submitted the 2022 Capital Improvement Budget to City Council; and

WHEREAS, having reviewed the 2022 Capital Improvement Budget, City Council is prepared to proceed with authorizing the 2022 Capital Improvement Expenses as identified in Exhibit "A" attached hereto and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. To provide for the current capital improvement expenses and other expenditures of the City of Hilliard for the fiscal year ending December 31, 2022, the sums indicated in the **attached Exhibit "A"** are hereby set aside and appropriated as set forth therein.

SECTION 2. This Ordinance shall be in full force and effect at the earliest time provided by law.

21-42 AMENDING SECTION 185.02 OF THE CITY'S CODIFIED ORDINANCES REGARDING THE DISBURSEMENT OF THE HOTEL/MOTEL TAX AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH DESTINATION HILLIARD.

WHEREAS, Chapter 185 of the City's Codified Ordinances imposes a hotel/motel excise tax; and

WHEREAS, Section 185.02 provides for the disbursement of funds received due to the excise tax; and

WHEREAS, Destination Hilliard, as required by Ohio Revised Code, is a recipient of a portion of the funds received from the excise tax; and

WHEREAS, the City and Destination Hilliard desire to enter into an agreement whereby the City provides marketing activities for Destination Hilliard; and

WHEREAS, amending the City's Codified Ordinances, as identified in Exhibit "A", attached hereto and incorporated herein, and authorizing an agreement between Destination Hilliard and the City is in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. Council finds that amending Section 185.02, as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to Section 185.02, as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

SECTION 2. All other provisions of Section 185.02, not modified herein, remain unchanged and are in full force and effect.

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SECTION 3. The City Manager is authorized to enter into a professional services agreement with Destination Hilliard, similar to the agreement **attached** hereto as Exhibit "B". The City Manager is authorized to make such changes to the attached Agreement that are not inconsistent with this Resolution and that are not averse to the City, which shall be evidenced conclusively by her signature thereof that such changes are approved by City Council.

SECTION 4. This Ordinance shall be in effect from and after the earliest time provided for by law.

RESOLUTIONS

The following Resolutions were passed by Hilliard City Council on November 22, 2021.

21-R-73 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH I-DIG CONSTRUCTION GROUP FOR THE HAYDEN RUN GREENWAY TRAIL EXTENSION (CIP T-133) AND AUTHORIZING AN EXPENDITURE.

WHEREAS, CIP T-133 was established in 2013 in the Capital Improvements Plan to provide funding for the planning, design, and construction of pedestrian and bicycle mobility and safety project citywide; and

WHEREAS, the City of Hilliard is committed to improving pedestrian safety and mobility; and

WHEREAS, pursuant to Senate Bill No. 310, the 133rd General Assembly of the State of Ohio has appropriated funds in the amount of Three Hundred Thousand Dollars (\$300,000) to make a grant to the City of Hilliard to reimburse the costs associated with the design and construction of the Hayden Run Greenway Trail Extension (CIP T-133), hereinafter "the Project", with \$6,000 of said grant amount to be used toward administrative costs by the Ohio Department of Natural Resources ("ODNR"); and

WHEREAS, on April 12, 2021, Hilliard City Council passed Ordinance No. 21-10, which appropriated three hundred thousand dollars (\$300,000) for design and construction of the Project and authorized the City Manager to enter into agreements to obtain the grant funds; and

WHEREAS, the Project includes the construction of 1,400 feet of asphalt trail and installation of pedestrian activated flashing beacons, high visibility crosswalk markings, and curb ramps across Leppert road to expand the City's regional trail network and to connect existing and future Hilliard neighborhoods to the regional trail network; and

WHEREAS, the Engineer's Estimate for construction of the Project was \$225,000; and

WHEREAS, after having been duly advertised for two consecutive weeks as required by law, bids for the contract were opened electronically on Bid Express at 3:00 pm on October 28, 2021, and I-Dig Construction Group, which submitted a bid in the amount of \$211,795.69, which is under the City's estimate, was determined to be the lowest and best bidder ("Contractor"); and

WHEREAS, a ten percent (10%) contingency in the amount of \$21,179.31 is available to cover approved change orders on the construction contract; and

WHEREAS, the estimated cost to cover City staff time during the construction of the Project is \$5,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. An expenditure in the amount of two hundred thirty-two thousand, nine hundred seventy-five dollars (\$232,975) is authorized from the unencumbered balance of Fund 304, Object 55/53 for the construction of the Project.

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SECTION 2. The City Manager is authorized to enter into a contract with I-Dig Construction Group for the Hayden Run Greenway Trail Extension (CIP T-133) in an amount not to exceed two hundred thirty-two thousand, nine hundred seventy-five dollars (\$232,975), which includes a ten percent contingency to pay for approved change orders associated with the Project.

SECTION 3. The Finance Director is authorized to transfer a maximum of five thousand dollars (\$5,000) from Fund 304, Object 55/53 to Fund 283, Object 51 to cover Hilliard staff time during construction.

SECTION 4. This Resolution is effective upon its adoption.

21-R-74 ACCEPTING A DRAINAGE AND UTILITY EASEMENT FROM ALTON PLACE, LLC AND VACATING DRAINAGE AND UTILITY EASEMENTS GRANTED TO THE CITY OF HILLIARD BY H&G, LLC AND HOMEWOOD CORPORATION.

WHEREAS, H&G, LLC owned a 96.612± acre parcel (formerly identified as parcel 053-000007-00 by the Franklin County Auditor) in the City of Hilliard, Brown Township; and

WHEREAS, Homewood Corporation owned 256± acres of land (identified as parcels 053-000006-00 and 053-000004-00 by the Franklin County Auditor) in the City of Hilliard, Brown Township; and

WHEREAS, with the approval of Hilliard City Council No. Resolution 09-R-34 (Amended) on September 14, 2009, H&G, LLC conveyed a 1.074 acre drainage and utility easement ("H&G Easement") and Homewood Corporation conveyed a 0.510 acre drainage and utility easement ("Homewood Easement") to the City of Hilliard for a future roadway and utility crossing of Hamilton Ditch, attached hereto and incorporated by reference herein as Exhibits "A" and "B", respectively; and

WHEREAS, in 2020, Alton Place, LLC purchased both the H&G, LLC and Homewood Corporation parcels for the development of Alton Place ("Project"); and

WHEREAS, the plans for the Project propose a roadway and utility crossing of Hamilton Ditch in a location that differs from the location of the H&G Easement and the Homewood Easement; and

WHEREAS, Alton Place, LLC has offered to dedicate a new 1.494 acre drainage and utility easement ("Alton Place Easement") to the City of Hilliard for a future roadway and utility crossing of Hamilton Ditch as part of the Project, attached hereto and incorporated by reference herein as Exhibit "C"; and

WHEREAS, with the dedication of the Alton Place Easement, Alton Place, LLC has requested the City of Hilliard vacate both the H&G Easement and the Homewood Easement, since they are no longer necessary for a roadway and utility crossing; and

WHEREAS, it is to the interest and benefit of the City and the public at large that the Alton Place Easement be accepted by the City of Hilliard for the aforementioned purpose, and that the H&G Easement and the Homewood Easement be vacated by the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The City of Hilliard hereby accepts a permanent 1.494 acre drainage and utility easement from Alton Place, LLC as described and depicted in Exhibit "C", attached hereto and incorporated by reference herein.

SECTION 2. This Council finds that the request by Alton Place, LLC for the City to vacate both the H&G Easement and the Homewood Easement, as described and depicted in Exhibits "A" and "B" respectively, attached hereto and incorporated

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herein, is in support of the Project and not adverse to the general health, safety and welfare of the public. Said H&G Easement and Homewood Easement are hereby vacated.

SECTION 3. The City Manager, City Engineer, and City Law Director are authorized to approve any necessary administrative changes to Exhibits “A”, “B”, and “C” in order to affect the proper recording of the easement and vacations identified thereon, and are authorized to provide the Clerk of Council with final recorded copies of said easement and vacations.

SECTION 4. The City Manager, Clerk of Council and City Engineer are authorized to do all acts and to execute all instruments appropriate or necessary to carry out the terms of this acceptance and vacation.

SECTION 5. The Clerk of Council is directed to record this Resolution and Exhibits “A” and “B” in the Office of the Recorder of Franklin County, Ohio and notify the Auditor of Franklin County, Ohio about the vacations by sending the Auditor a certified copy of this Resolution and attachments.

SECTION 6. This Resolution is effective upon its adoption.

21-R-75 **AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR CIP S-37, SANITARY SEWER CIPP LINING PROJECT; AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

WHEREAS, the City of Hilliard has identified the need to line specific sanitary sewers in the City as a means of rehabilitating the sanitary sewer system; and

WHEREAS, the City has included an Annual Sanitary Sewer Lining Program (the “Project”) in its 2021 Capital Improvement Budget; and

WHEREAS, the City has approved engineering plans for the Project which includes the lining of 2,000 feet of 8-inch diameter sanitary sewer pipe on portions of Grant Street, Wayne Street, and Morning Drive; and

WHEREAS, the City Engineer’s estimated cost for the Project is Ninety-Six Thousand and Three Hundred Dollars (\$96,300); and

WHEREAS, after having duly advertised for bids for two consecutive weeks between October 25 and November 8, 2021, bids were opened electronically at 2:00 p.m. on Tuesday, November 9, 2021, and Insight Pipe Contracting, LLC (“Contractor”) who submitted a bid in the amount of \$62,403.75 was determined to be the lowest and best bidder; and

WHEREAS, funds for the Project were appropriated in the 2021 Capital Improvement Budget by Ordinance No. 20-27, approved by Hilliard City Council on November 23, 2020, and pursuant to Section 3.10 of the City’s Charter, authorization to fund the Project may be established by resolution of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. An expenditure is authorized from Fund 304 Object 55 to pay the cost of the Project in an amount not to exceed \$81,150.

SECTION 2. The City Manager is authorized to enter into a contract with Insight Pipe Contracting, LLP for CIP S-37, Annual Sanitary Sewer CIPP Lining Project, in an amount not to exceed \$68,650, which includes a contingency of 10% of the bid amount to pay for any cost overruns associated with the Project.

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SECTION 3. The Finance Director is authorized to pay CDM Smith an amount not to exceed \$6,250 to provide required construction administration and oversight services for the Project.

SECTION 4. The Finance Director is authorized to pay the cost of City staff services to provide construction inspection services required for the Project in an amount not to exceed \$6,250.

SECTION 5. The Finance Director is authorized to make any accounting changes necessary to revise the funding source for any contract or contract modification associated with the expenditure of funds.

SECTION 6. This Resolution is effective upon its adoption.

21-R-76 AUTHORIZING THE CITY MANAGER TO GRANT AN EASEMENT TO HICKORY CHASE TITLEHOLDER, LLC FOR ACCESS ACROSS CITY PARKLAND IN THE HICKORY CHASE DEVELOPMENT.

WHEREAS, on July 11, 2016, City Council passed Ordinance No. 16-25, which authorized the City to enter into a development agreement (the "Development Agreement") with Greenwich Investors Hickory Chase LLC (GIHC); and

WHEREAS, the Development Agreement required GIHC to convey a 4.74 ±acre site south of the Columbus Metropolitan Library site to the City for use as a public park (the "Tree Park"); and

WHEREAS, City Council approved Resolution No. 18-R-20 on February 26, 2018, that accepted a deed for 4.74± acres of land for the Tree Park; and

WHEREAS, Hickory Chase Titleholder LLC ("Hickory Chase Titleholder") has purchased 14.39± acres of land from GIHC for construction of a community building and parking for their residents; and

WHEREAS, Hickory Chase Titleholder desires to have a secondary access to the rear (west side) of their community building for maintenance purposes; and

WHEREAS, an existing access path currently being utilized as a secondary access traverses across the northeastern corner of the Tree Park; and

WHEREAS, Hickory Chase Titleholder desires to continue using this existing access path for their secondary access, because relocating this secondary access entirely onto the Hickory Chase Titleholder property would require the removal of several trees in this area; and

WHEREAS, the City is agreeable to granting a 0.030± acre access easement across the northeast corner of the Tree Park to be used as a secondary access by Hickory Chase Titleholder, as described and depicted in Exhibit "A", attached hereto and incorporated herein by reference

WHEREAS, in order to protect users of the Tree Park, Hickory Chase Titleholder has committed to installing a locked gate at the beginning of the secondary access driveway at the intersection with Hickory Chase Way, as well as at a location where the secondary access driveway leads into the Tree Park, as described and depicted in Exhibit "B", attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

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SECTION 1. The City Manager is hereby authorized to grant the necessary easement to Hickory Chase Titleholder LLC, as described and depicted in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 2. The City Engineer is hereby authorized to ensure that two gates be installed across the secondary access at the locations described and depicted in Exhibit "B", attached hereto and incorporated herein by reference.

SECTION 3. The City Engineer is hereby authorized to approve any necessary administrative changes to effect the proper recording of the legal descriptions, documents, and instruments, and shall provide the City Clerk with a final recorded copy of all such legal descriptions, documents and instruments for filing in the City records.

SECTION 4. This Resolution is effective upon its adoption.

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